

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

x

PIRELLI ARMSTRONG TIRE) Case No. 1:07-cv-05862-RJH
CORPORATION RETIREE MEDICAL)
BENEFITS TRUST, Derivatively on Behalf)
of MACY'S, INC.,) ECF
Plaintiff,)
vs.)
TERRY J. LUNDGREN, KAREN M.)
HOGUET, SARA LEVINSON, CRAIG E.)
WEATHERUP, JOSEPH NEUBAUER,)
JOSEPH A. PICHLER, JOYCE M. ROCHE,)
MEYER FELDBERG, MARNA C.)
WHITTINGTON, KARL M. VON DER)
HEYDEN, WILLIAM P. STIRITZ, JOEL A.)
BELSKY, DENNIS J. BRODERICK,)
THOMAS G. CODY, THOMAS L. COLE,)
JANET E. GROVE and SUSAN D.)
KRONICK,)
Defendants,)
- and -)
MACY'S, INC., a Delaware corporation,)
Nominal Defendant.)
x

PLEASE TAKE NOTICE that upon the accompanying Memorandum in Support Of Defendants' Motion To Dismiss The Shareholder Derivative Complaint, the Declaration of Michael A. Platt, dated November 8, 2007, and the exhibits annexed thereto; and on all the prior proceedings and matters of record in this case, defendants Terry J. Lundgren, Karen M. Hoguet, Sara Levinson, Craig E. Weatherup, Joseph Neubauer, Joseph A. Pichler, Joyce M. Roche, Meyer Feldberg, Marna C. Whittington, Karl M. von der Heyden, William P. Stiritz, Joel A.

Belsky, Dennis J. Broderick, Thomas G. Cody, Thomas L. Cole, Janet E. Grove, and Susan D. Kronick, by and through its undersigned counsel, will move the Court before the Honorable Richard J. Holwell, United States District Court Judge for the Southern District of New York, in courtroom 17B, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and at such time as the Court shall direct, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 23.1 dismissing the claims set forth in the Shareholder Derivative Complaint.

Dated: November 8, 2007

Respectfully submitted,

s/ John M. Newman, Jr.

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CERTIFICATE OF SERVICE

The foregoing document was served on counsel of record on November 8, 2007 by electronic mail through the Court's CM/ECF system and by Federal Express to the following:

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